

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

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JACOB MARTIN,	:	
		Plaintiff,
		v.
LACKAWANNA COUNTY, et al.,	:	CIVIL ACTION NO. 3:12-CV-1507
		(Judge Kosik)
Defendants.	:	

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**ORDER**

AND NOW, this 12<sup>th</sup> day of January, 2016, IT APPEARING TO THE COURT THAT:

- (1) Plaintiff, Jacob Martin, formerly an inmate at the Lackawanna County Prison, filed a Complaint in the instant action on August 3, 2012. An Amended Complaint (Doc. 36) was filed on August 5, 2013;
- (2) The matter was referred to Magistrate Judge Karoline Mehalchick;
- (3) After screening the Amended Complaint, the Magistrate Judge issued a Report and Recommendation (Doc. 39) on March 26, 2014, recommending that the Amended Complaint (Doc. 36) be dismissed;
- (4) On August 27, 2014, Plaintiff filed Objections (Doc. 46) to the Report and Recommendation;
- (5) On November 13, 2015, we issued a Memorandum (Doc. 47) and Order (Doc. 48), dismissing some of Plaintiff's claims; directing Plaintiff to file a Second Amended Complaint as to his 42 U.S.C. §1983 and §1985 claims and any state law claims; and, remanding the matter to the Magistrate Judge for further proceedings;
- (6) On December 23, 2015, the Magistrate Judge issued a Report and Recommendation (Doc. 49), recommending that the instant civil rights action be dismissed, because Plaintiff failed to comply with this court's Order of November 13,

2015 (Doc. 48) directing him to file a Second Amended Complaint within thirty (30) days;

(7) No Objections have been filed to the Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(8) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. §636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987);

(9) We have reviewed the Report of the Magistrate Judge and agree with her recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Karoline Mehalchick (Doc. 49) filed on December 23, 2015, is **ADOPTED**;

(2) The above-captioned action is **DISMISSED**; and,

(3) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Order to the Magistrate Judge.

s/Edwin M. Kosik  
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Edwin M. Kosik  
United States District Judge